

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

GWENDOLYN DAMIANO, :  
Plaintiff : CIVIL ACTION NO. 3:13-2635  
v. : (JUDGE MANNION)  
SCRANTON SCHOOL :  
DISTRICT, *et al.*, :  
Defendants :  
:

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT** the District defendants' motion to strike, in part,  
the plaintiff's affidavit, **(Doc. 122)**, is **GRANTED IN PART AND DENIED IN  
PART AS FOLLOWS:**

- (1) the motion is **DENIED** with respect to the District defendants' request to strike paragraphs 5 and 19 under the sham affidavit doctrine;
- (2) the motion is **GRANTED** with respect to the District defendants' request to strike paragraphs 12, 14, 15, 18 as containing inadmissible hearsay for which no exception has been proffered;
- (3) the motion is **GRANTED** with respect to the District defendants' request to strike that portion of paragraph 9

which constitutes improper opinion or belief that the plaintiff was assigned to John Adams Elementary School as retaliation and is **DENIED** as to all other factual content; and

- (4) the motion is **GRANTED** with respect to the District defendants' request to strike paragraph 17 which constitutes improper opinion or belief that the plaintiff was assigned to John Adams Elementary School as retaliation.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATED: June 13, 2016**

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